

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

FC 2007-002009

03/14/2011

HON. ANDREW G. KLEIN

CLERK OF THE COURT

C. Vila

Deputy

IN RE THE MATTER OF
BRANDAN G ROBINSON

SUSANNE M STERNBERG

AND

NICOLE V ICE

NICOLE V ICE
2946 W. ALTADENA AVE.
PHOENIX AZ 85029

ABC PRESCHOOL
13615 N 35TH AVE
#7
PHOENIX AZ 85029
DES CHILD CARE ADMINISTRATION
1789 W JEFFERSON
STE 801A
PHOENIX AZ 85007

MINUTE ENTRY

On March 10, 2011, this Court issued an order that Mother's Petition for Contempt would be heard the same time as the evidentiary hearing on Father's Petition for Modification of Custody and Parenting Time. The Court has now had an opportunity to carefully scrutinize the Petition for Contempt. There will be no hearing on the Petition as it is dismissed. That is not to say that the issues raised in the Petition will not be taken up as they bear on Father's credibility and whether ABC Preschool should be the daycare facility that the kids are allowed to attend. However, ABC's owner Carol Smith cannot be found in contempt of court.

Carol Smith is not a party to this litigation. Therefore, the Court does not have jurisdiction over her for purposes of a finding of contempt.

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The Court does, though, have jurisdiction over Father and is directing Father to make certain that Mother and others who have been added at her request to the list of approved individuals who are allowed to pick up the children in fact be listed and afforded that privilege. If ABC Preschool continues to deny Mother access to the children when it is her parenting time, or does not allow others listed as emergency contacts to pick up the children. Father will be held responsible for this violation of a Court order.

Additionally, the Court previously ordered that the children be referred by the names on their birth certificates (Ice). Therefore, Father is directed to make sure that ABC Preschool is aware of this Court order and correct it so that it does not happen in the future.

Lastly, this Court shall be contacting the Department of Economic Security concerning Mother's claim that Father and ABC Preschool are perpetrating a fraud on the State by billing and receiving payment from DES for days that the children were not in ABC's care. According to Mother, preschool records show that Father drops the children off at 5:00 a.m. However, Carol Smith, ABC Preschool Director, indicated that the younger son is not dropped off until after 7:30 a.m. and Father picks the children up before 3:30 p.m. No cogent explanation has been offered as to why the time sheets have grossly misstated the drop off time and time the children spend in daycare. Although ABC Preschool maintains that Father and the preschool have their own way of signing the boys in, this does not make sense. If Father and the preschool somehow have conspired in order for Father to receive State benefits that he otherwise would not be able to qualify for, there will be far-reaching consequences.

If these allegations can be substantiated, it is grounds for removing the children from this preschool. It also reflects on Father's credibility, which is not surprising given the fact that the Honorable Lisa Flores previously found neither party credible or the evidence each offered reliable. According to Mother, Father also has a history of falsifying records (a court order) in an effort to gain an advantage in this custody fight.

IT IS FURTHER ORDERED signing this minute entry as a formal order of this Court pursuant to Rule 81, *Arizona Rules of Family Law Procedure*.

/S/ HON. ANDREW G. KLEIN

SUPERIOR COURT JUDGE
HON. ANDREW G. KLEIN

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This case is eFiling eligible: <http://www.clerkofcourt.maricopa.gov/efiling/default.asp>. Attorneys are encouraged to review Supreme Court Administrative Orders 2010-117 and 2011-10 to determine their mandatory participation in eFiling through AZTurboCourt.

All parties representing themselves must keep the Court updated with address changes. A form may be downloaded at: <http://www.superiorcourt.maricopa.gov/SuperiorCourt/Self-ServiceCenter>.